

REMARKS

Claims 1-11, 13, 15-25 and 34 are pending, claims 1-6, 15 and 18 are rejected and claims 16 and 17 are allowed in this application. Claims 7-11, 13, 19-25 and 34 are withdrawn. Claims 12, 14 and 26-33 are cancelled.

For the record, applicants:

- [1] filed an Amendment response on January 10, 2007 to the outstanding Final Office Action mailed October 30, 2006, having a three (3) month shortened statutory period for reply;
- [2] filed a Notice of Appeal on March 30, 2007 before the statutory deadline date in the above-identified application; and
- [3] note that claim amendments and arguments set forth in the January 10, 2007 Amendment were not entered by the Examiner.

In light of the above, applicants respectfully point out that the instant Amendment, arguments and claim amendments are made in response to the outstanding rejections of record as set forth previously in the October 30, 2006 Office Action.

Applicants' Attorney Grace Hsu wishes to thank Examiner Truong for the March 30, 2007 telephonic discussion regarding acceptable amendments to the claims in the above-identified matter to overcome the outstanding rejection of claims 1-6, 15 and 18 under 35 U.S.C. §112, 2nd paragraph.

The claim amendments set forth *supra* in the instant Amendment to the Claims Section above are based upon Examiner's Truong's suggestions made during the aforementioned discussion.

Support for all amendments are found in the originally filed claims and specification. No new matter has been added to the claims or specification by the amendment.

Applicants request consideration and entry into the record of the following amendments and remarks.

Rejection Under 35 U.S.C. §112, 2nd paragraph

Claims 1-6, 15 and 18 are rejected under 35 U.S.C. §112, 2nd para., for being indefinite and for failing to particularly point out and distinctly claim the invention.

The Examiner states that it is unclear what the scope of the variable term "R" in relation to other variable functional group terms defined in pending claim 1.

Applicants have amended claim 1 to overcome the above-identified rejection by clarifying substituents associated with the R' moiety based upon claim amendment suggestions by Examiner Truong stated during the March 30, 2007 telephonic discussion.

In particular, Examiner Troung suggested that as the specification defines that the term $R' = H$ or C_{1-6} alkyl, claim 1 should be amended to directly substitute the terms $R' = H$ or C_{1-6} alkyl wherever the substituent terms OR' , $N(R')_2$, SR' , CO_2R' , $CON(R')$ appear in claim 1 (support for this amendment is found throughout the specification; i.e., e.g., at page 4, line 28, at 5, lines 24, at page 7, line 23, at page 8, lines 1-6 and 15-16 of the specification, etc.).

In general, R' now is defined in claim 1 as:

“OH, OC_{1-6} alkyl, NH_2 , $N(C_{1-6}alkyl)_2$, SH, $S(C_{1-6}alkyl)$, CO_2H , $CO_2(C_{1-6}alkyl)$, $CON(H)_2$, $CON(C_{1-6}alkyl)_2$ ”

(support for this amendment is found throughout the specification; i.e., e.g., at page 4, line 28, at 5, lines 24, at page 7, line 23, at page 8, lines 1-6 and 15-16 of the specification, etc.):

Amended claim 1 recites:

“each R' defined above for R^1 , R^2 , R^3 , R^4 , R^6 , and R^7 independently is H, C_{1-6} alkyl, Ar- C_{0-6} alkyl, or Het- C_{0-6} alkyl; or phenyl or naphthyl substituted by one to three moieties selected from C_{1-4} alkyl, OH, OC_{1-6} alkyl, NH_2 , $N(C_{1-6}alkyl)_2$, SH, $S(C_{1-6}alkyl)$, CF_3 , NO_2 , CN, CO_2H , $CO_2(C_{1-6}alkyl)$, $CON(H)_2$, or $CON(C_{1-6}alkyl)_2$, F, Cl, Br, I, or a methylenedioxy . . .

wherein each Ar defined above is independently unsubstituted phenyl or naphthyl; or phenyl or naphthyl substituted by one or more of Ph- C_{0-6} alkyl, Het- C_{0-6} alkyl, C_{1-6} alkoxy, Ph- C_{0-6} alkoxy, Het- C_{0-6} alkoxy, OH, $(CH_2)_{1-6}NR'R'$, $O(CH_2)_{1-6}NR'R'$;

wherein each R' as defined in Ar independently is H, C_{1-6} alkyl, Ar- C_{0-6} alkyl, or Het- C_{0-6} alkyl; or phenyl or naphthyl substituted by one to three moieties selected from C_{1-4} alkyl, OH, $O(C_{1-6}alkyl)$, $N(H)_2$, $N(C_{1-6}alkyl)_2$, SH, $S(C_{1-6}alkyl)$, CF_3 , NO_2 , CN, CO_2H , $CO_2(C_{1-6}alkyl)$, $CON(H)_2$, $CON(or C_{1-6}alkyl)_2$, F, Cl, Br, I, or a methylenedioxy;

wherein each Het defined above is independently a stable 5- to 7-membered monocyclic or a stable 7- to 10-membered bicyclic heterocyclic ring, which is saturated or unsaturated, and which consists of carbon atoms and from one to four heteroatoms selected from the group consisting of N, O and S . . .;

wherein the bicyclic group of the bicyclic heterocyclic ring is fused to a benzene ring, and which optionally is substituted with one or two moieties selected from C_{1-4} alkyl, OR' , $N(R')_2$, SR' , CF_3 , NO_2 , CN, CO_2R' , $CON(R')$, F, Cl, Br and I; and

wherein each R' as defined in the bicyclic group of the bicyclic heterocyclic ring independently is H, C_{1-6} alkyl, Ar- C_{0-6} alkyl, or Het- C_{0-6} alkyl; or phenyl or naphthyl substituted by one to three moieties selected from C_{1-4} alkyl, OH, OC_{1-6} alkyl, $N(H)_2$, $N(C_{1-6}alkyl)_2$, SH,

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SC₁₋₆alkyl, CF₃, NO₂, CN, CO₂H, CO₂(C₁₋₆alkyl), CONH₂,
CON(C₁₋₆alkyl)₂, F, Cl, Br and I, or a methylenedioxy group . . .”

No new matter has been added to the claims of the present application.

In light of the above amendments, applicants request that the above rejection under 35 U.S.C. § 112, 2nd paragraph, be withdrawn.

Restriction Requirement - Request for Rejoinder

In light of the above, as elected subject matter for examination on the merits is directed to a product, applicants request the right to rejoinder of commensurate in scope non-elected subject matter or inventions (i.e., such as corresponding methods or processes) upon the determination of allowable subject matter (*In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995) and *In re Brouwer*, 77 F.3d 422, 37 USPQ2d 1663 (Fed. Cir. 1996); also see MPEP § 821.04 (b)).

In light of the foregoing, applicants reserve the right to file non-elected inventions as the subject of future applications, which may derive priority from the present application without prejudice.

CONCLUSION

In view of the above amendments and remarks, applicants believe that the claims of the present application are in condition for allowance and is earnestly solicited.

If any additional fees or charges are required authorization is hereby granted to charge any necessary fees to Deposit Account No. 19-2570 accordingly.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully submitted,



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